

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL CURTIS,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:21-cv-2250-JAD-EJY

ORDER

Pending before the Court is Plaintiff's Motion to Extend Time to Reply to Defendants' Response to Plaintiff's Motion for Preliminary Injunction. ECF No. 42. Plaintiff's Reply is currently due September 11, 2023. ECF No. 38. This due date was set on August 17, 2023. *Id.* Plaintiff did not file his instant Motion as an emergency and does not explain his delay in seeking his present extension. That said, without prompt action by the Court Plaintiff's requested extension would be moot. In an effort to avoid a *nunc pro tunc* order, and recognizing the Court granted Defendants' request for an extension to file their response to Plaintiff's Motion for Preliminary Injunction (ECF No. 38), the Court acts *sua sponte*, and issues the following:

IT IS HEREBY ORDERED that Plaintiff's Motion to Extend Time to Reply (ECF No. 42) is GRANTED only to the extent that the due date is advanced one week from **September 11 to September 21, 2023**.

IT IS FURTHER ORDERED that High Desert State Prison **must** make Plaintiff available to speak with the Deputy Attorney General ("DAG") Samuel Pezone, Jr. no later than **12 noon on September 15, 2023** so that the parties may meet and confer regarding Plaintiff's requested extension.

IT IS FURTHER ORDERED that DAG Pezone **must** provide a copy of this Order to the Warden, or the Warden's designee, no later than **12 noon on September 7, 2023** so that the telephone call between Plaintiff and the DAG may timely proceed. The DAG **must** initiate the call that is arranged.

1 IT IS FURTHER ORDERED that if the parties agree to Plaintiff's extension request, the
2 DAG **will**, with Plaintiff's oral approval, submit a stipulation to the Court reflecting the new due
3 date for Plaintiff's Reply.

4 IT IS FURTHER ORDERED that if Defendants do not agree to Plaintiff's extension request,
5 the DAG **must** file an opposition to Plaintiff's Motion no later than **noon on September 18, 2023**.

6 DATED this 5th day of September, 2023.

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9 ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE